

From the District Attorney

The media have reported several incidents of hate crimes in our community. San Bernardino County cannot afford to be thought of as the type of backward place that will tolerate this type of crime

As District Attorney of San Bernardino County, I am committed to the vigorous prosecution of those who commit hate crimes. It is the policy of my office that all hate crimes be reported to the highest administrative levels of the District Attorney's Office. Also, all cases are to be referred to the Victim Services Program to assure that victims of these crimes are provided support and relief.

Because of the serious nature of these crimes, the District Attorney's Office has a Hate Crimes/Anti-Terrorism Unit to deal specifically with them. The unit is composed of an attorney, an investigator and clerical support.

We all need to work together to make San Bernardino County a safe place for all of us.

Michael A. Ramos
District Attorney

What is a Hate Crime?

A "hate crime" is any crime committed *because of* the victim's actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation. The language of the statute is neutral. Therefore, anybody can be a targeted victim, including men, whites, heterosexuals, etc.

The California Supreme Court ruled that hate crime enhancements can be properly charged if the prohibited bias was a *substantial* factor in the commission of the crime. The bias need not be the only reason. (See: *In re M.S.* (1995) 10 Cal. 4th 698; *People v. Superior Court (Aishman)* (1995) 10 Cal. 4th 735.)

Also, the laws do not demand that the victim be a member of a particular group, only that the defendant *perceives* the victim as belonging to the certain classification. For example, a suspect attacks a victim with the mistaken belief that the victim is Iranian, but the victim is Hispanic. Or, the defendant beats a man he thinks is gay, but the victim is heterosexual. Both these cases would be hate crimes.

What Can I Do to Help Myself?

- Avoid walking alone at night; be conscious of your surroundings. If you find yourself in a possibly dangerous situation, *immediately attempt to get to safety*. Do not feel foolish about running or screaming.
- Do not escalate a volatile situation! If someone calls you derogatory names, no matter how angry or hurt you are, **do not resort to physical violence**. Otherwise, you may be the one prosecuted. However, if you are physically attacked, you should defend yourself.
- If you are attacked or you witness an assault, try to note the assailant's physical characteristics, such as height, build, color of hair and eyes, clothing.

Specifically, note any unusual traits, such as scars, tattoos, etc. Listen for voice characteristics, such as accents, speech patterns, content of statements of assailants.

- Report a crime **immediately!**

If You Have Been a Victim of a Hate Crime:

If you are seriously injured, call 911 or get to the hospital immediately.

Whether or not you are injured, report the crime as soon as possible.

To help yourself in the aftermath of a hate crime, it is important to do at least some of these things:

- 1) See a doctor to treat and document even minor physical injuries;
- 2) Take pictures of any physical injuries or damages to property, *even if police already did so*;
- 3) If the crime is vandalism, let the police see and photograph the damage before you clean and/or repair;
- 4) If possible, get witnesses' names, addresses, and telephone numbers;
- 5) Write down as many facts about the incident as you can, while it is fresh in your mind;
- 6) Seek a therapist to assist with the emotional aspects of the attack;

- 7) Learn the names of the police officers and prosecutors who may be working on the case, and keep in touch with them;
- 8) If you feel that a police officer or the prosecutor is not taking your case seriously, or is in other ways acting inappropriately, talk to a supervisor;
- 9) Get copies of police reports and check them for accuracy;
- 10) Attend all the necessary court hearings, whether or not you were subpoenaed; including arraignment, bail review and sentencing;
- 11) If possible, in court, make a statement to the judge.

At bail review or any other bail-setting hearing, give details of the crime to the court. Inform the judge of any threats, direct or indirect, and tell the court of possible fears.

At sentencing, tell the court about the crime, and how it has affected your and your family's life.

If You Witness a Bias Incident That Does Not Amount to a Crime:

If you hear a person yelling racial or other bias slurs in a public street, at a school, college, or shopping mall, notify someone nearby. For example, you may contact a store or restaurant manager that is nearby. At a school or other public building, you can notify security or the administration. Yelling out insults may be a prelude to physical attack and/or may provoke violence.

If you find or receive racist fliers, you should notify the District Attorney's Office at the number on the back of this pamphlet. Agencies such as the Anti-Defamation League or the Gay and Lesbian Center also document "bias incidents."

It is important to record bias incidents for educational, informational, and statistical purposes. Studying trends may in turn assist in preventing and solving crimes.

Lastly, evidence of prior occurrences may be used to prove motive, intent, or identity in future hate crimes. It would also help refute later claims that "this is an isolated incident, I am not a racist, etc."

Victim Services Unit

San Bernardino County has a Victim Services Unit that may help with:

- Crisis intervention
- Counseling
- Emergency assistance with food, clothing and shelter
- Help in filing claims
- Referral to community programs
- Transportation to court
- Obtaining Restraining Orders

For More Information, Contact:

San Bernardino County
District Attorney's Office
Hate Crimes/Anti-Terrorism Unit
(909) 891-3339



INFORMATION ABOUT HATE CRIMES

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